

The Honorable Robert S. Lasnik

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE**

AMERICAN CIVIL LIBERTIES UNION OF  
WASHINGTON; AMERICAN CIVIL  
LIBERTIES UNION OF MONTANA; and  
AMERICAN CIVIL LIBERTIES UNION OF  
NORTH DAKOTA.

**Plaintiffs,**

V.

**U.S. DEPARTMENT OF HOMELAND  
SECURITY and U.S. CUSTOMS AND  
BORDER PROTECTION.**

## Defendants.

Case No. C17-0562RSL

**STIPULATION AND PROPOSED  
ORDER FOR EXTENSION OF  
DEADLINE TO RESPOND TO  
COMPLAINT**

(Note for consideration:  
May 10, 2017)

Defendants the United States Department of Homeland Security (“DHS”) and United States Customs and Border Protection (“CBP”) respectfully request a 45-day extension of their deadline to respond to the Complaint, until June 29, 2017 and request that the Court extend the deadline for the parties to submit a Joint Status Report and Discovery Plan. Plaintiffs do not oppose this request.

Accordingly, the parties, by and through their counsel of record, hereby STIPULATE AND AGREE to an extension of the following deadlines:

<u>Description</u>	<u>Old Deadline</u>	<u>New Deadline</u>
Deadline to respond to Complaint	May 15, 2017	June 29, 2017
Deadline for Joint Status Report	May 26, 2017	July 20, 2017

Good cause exists for this extension. Plaintiffs filed the Complaint in this action under the Freedom of Information Act on April 12, 2017. (See ECF No. 1.) Plaintiffs served the Summons and Complaint in this action upon the United States Attorney for the Western District of Washington on April 14, 2017. Pursuant to 5 U.S.C. § 544(a)(4)(C), Defendants' response to the Complaint is due by May 15, 2017, provided Plaintiffs have perfected service in accordance with Federal Rule of Civil Procedure 4(i). On May 8, 2017, Defendants filed with the Judicial Panel on Multidistrict Litigation ("JPML") a Motion for Transfer Actions Pursuant to 28 U.S.C. § 1407 for Coordinated and Consolidated Pretrial Proceedings, seeking transfer of this and twelve other actions pending in other federal district courts to the United States District Court for the District of Columbia. Defendants intend to file a motion to stay the proceedings in this action pending a decision by the JPML on Defendants' motion to transfer, and Defendants have been advised that their motion for a temporary stay will be opposed. The extension will ensure that Defendants' motion to stay may be submitted to this Court before pre-trial proceedings in this action commence, and that Defendants will have the time they require to respond to the Complaint in the event that their stay motion is denied.

Dated: May 10, 2017

Respectfully submitted,

*(signatures on following page)*

1 CHAD A. READLER  
2 Acting Assistant Attorney General

3 ANNETTE L. HAYES  
4 United States Attorney

5 ELIZABETH J. SHAPIRO  
6 Deputy Director, Federal Programs Branch

7 /s/ Matthew J. Berns  
8 MATTHEW J. BERNS  
9 Trial Attorney  
United States Department of Justice  
Civil Division, Federal Programs Branch  
20 Massachusetts Ave., NW  
Washington, DC 20530  
Tel.: (202) 616-8016; Fax: (202) 616-8470  
Email: matthew.j.berns@usdoj.gov

10 *Attorneys for Defendants U.S. Department  
11 of Homeland Security and U.S. Customs and  
Border Protection*

12 /s/ Eric M. Stahl  
13 ERIC M. STAHL  
14 Davis Wright Tremaine LLP  
15 1201 Third Avenue, Suite 2200  
16 Seattle, WA 98101-3045  
17 Tel.: (206) 622-3150  
18 Fax.: (206) 757-7148  
19 Email: [ericstahl@dwt.com](mailto:ericstahl@dwt.com)

20 *Attorneys for Plaintiffs American  
21 Civil Liberties Union*

1                   PROPOSED ORDER

2                   The parties having so stipulated and agreed, it is hereby SO ORDERED. The Clerk is  
3 directed to send copies of this Order to all counsel of record.

4  
5                   DATED this 11<sup>th</sup> day of May, 2017.  
6

7                     
8                   Hon. Robert S. Lasnik  
9                   United States District Judge

10  
11                  Presented by:  
12  
13

14                  /s/ Matthew J. Berns  
15                  MATTHEW J. BERNNS  
16                  Trial Attorney  
17                  United States Department of Justice  
18                  Civil Division, Federal Programs Branch  
19                  20 Massachusetts Ave., NW  
20                  Washington, DC 20530  
21                  Tel.: (202) 616-8016; Fax: (202) 616-8470  
22                  Email: matthew.j.berns@usdoj.gov  
23  
24  
25  
26  
27  
28